

**ASSAULT ON A PEACE OFFICER AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: A. Cory Maloy**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill adds constables and deputy constables to the list of persons designated as a law enforcement officer.

**Highlighted Provisions:**

This bill:

► adds constables and deputy constables to the list of persons designated as law enforcement officers.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-13-103**, as last amended by Laws of Utah 2015, Chapter 436

---

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53-13-103** is amended to read:

**53-13-103. Law enforcement officer.**

(1) (a) "Law enforcement officer" means a sworn and certified peace officer who is an employee of a law enforcement agency that is part of or administered by the state or any of its



political subdivisions, and whose primary and principal duties consist of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.

(b) "Law enforcement officer" includes the following:

(i) any sheriff or deputy sheriff, chief of police, police officer, constable or deputy constable, or marshal of any county, city, or town;

(ii) the commissioner of public safety and any member of the Department of Public Safety certified as a peace officer;

(iii) all persons specified in Sections 23-20-1.5 and 79-4-501;

(iv) any police officer employed by any college or university;

(v) investigators for the Motor Vehicle Enforcement Division;

(vi) investigators for the Department of Insurance, Fraud Division;

(vii) special agents or investigators employed by the attorney general, district attorneys, and county attorneys;

(viii) employees of the Department of Natural Resources designated as peace officers by law;

(ix) school district police officers as designated by the board of education for the school district;

(x) the executive director of the Department of Corrections and any correctional enforcement or investigative officer designated by the executive director and approved by the commissioner of public safety and certified by the division;

(xi) correctional enforcement, investigative, or adult probation and parole officers employed by the Department of Corrections serving on or before July 1, 1993;

(xii) members of a law enforcement agency established by a private college or university provided that the college or university has been certified by the commissioner of public safety according to rules of the Department of Public Safety;

(xiii) airport police officers of any airport owned or operated by the state or any of its political subdivisions; and

(xiv) transit police officers designated under Section 17B-2a-822.

(2) Law enforcement officers may serve criminal process and arrest violators of any law of this state and have the right to require aid in executing their lawful duties.

59           (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,  
60 but the authority extends to other counties, cities, or towns only when the officer is acting  
61 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is  
62 employed by the state.

63           (b) (i) A local law enforcement agency may limit the jurisdiction in which its law  
64 enforcement officers may exercise their peace officer authority to a certain geographic area.

65           (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise  
66 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act  
67 on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the  
68 limited geographic area.

69           (c) The authority of law enforcement officers employed by the Department of  
70 Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.

71           (4) A law enforcement officer shall, prior to exercising peace officer authority:

72           (a) (i) have satisfactorily completed the requirements of Section 53-6-205; or

73           (ii) have met the waiver requirements in Section 53-6-206; and

74           (b) have satisfactorily completed annual certified training of at least 40 hours per year  
75 as directed by the director of the division, with the advice and consent of the council.

---

---

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**